

**City of Somerville
Licensing Commission**

Special Meeting by Remote Participation

***DRAFT OF THE
Minutes of the Special Meeting
Monday, April 26, 2021***

Posted Monday, June 21, 2021 at 5:10pm

*The meeting was called to order at 4:04pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Capt. Sullivan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 6:01pm*

A recording of this meeting is available online

Monday

April 26, 2021

4:00pm

Published on April 22, 2021 at 3:10pm

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency, dated March 15, 2020, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/4403058499392739599>.

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

Continued from 3/15/21 Regular Licensing Commission Meeting

1. Status of Communication from Chairman Lynch dated 2/16/21, Urging the Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments. This communication was placed on the February 22, 2021 Agenda

Commissioner Allen has discussed these changes with City Clerk John Long. He feels all the changes will be incorporated into a revamp of the Rules and Regulations and hopes to bring these to the May 17, 2021 Licensing Commission Meeting, for the public's perusal.

2. Commissioner Allen proposing the removal of Section 4.

Commissioner Allen has discussed these changes with City Clerk John Long. He feels all the changes will be incorporated into a revamp of the Rules and Regulations and hopes to bring these to the May 17, 2021 Licensing Commission Meeting, for the public's perusal.

3. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.
4. *Commissioner Allen has discussed these changes with City Clerk John Long. He feels all the changes will be incorporated into a revamp of the Rules and Regulations and hopes to bring these to the May 17, 2021 Licensing Commission Meeting, for the public's perusal.*

Late Communication

- 3a. Director Thomas Galligani sent a late communication to Chairman Lynch. This communication was read by the commissioners and into the minutes:

Mr. Chairman,

The City Administration supports the licensing Commission issuing one-day alcohol permits in circumstances that are consistent with our existing outdoor dining policies. Just as the Licensing Commission has issued outdoor dining permits to multi-business collaborations in Davis Square, one-day permits should support collaborations between permit holders and local restaurants. Above all, permitted activities need to be Covid-compliant, maintain proper social distancing between patrons, and ensure that patrons are dining while consuming alcohol.

Permitted activities shall be subject to all other appropriate City approvals.

I'll be available this afternoon at the Licensing Commission meeting to answer any questions that you may have. Please let me know if I can be of any further assistance.

Sincerely,

Tom

A discussion was held about this matter. Mr. Galligani stated this is similar to the outdoor seating approved by the commission earlier this year. He also stated this should function as outdoor dining with eating and drinking. People should be seated and organized in a safe manner. This is already being done with outdoor dining.

Chairman Lynch stated this is a privilege not a right and the city is still taking cautious approaches to how this will be done. He also stated the commission will begin issuing special alcohol licenses with the condition that food must be served. An approved Covid seating plan and all approvals from city departments is also required. Chairman Lynch stated these are not Beer Gardens, they are pop up restaurants.

Continued from 4/12/21 Regular Licensing Commission Meeting

Special Alcohol License Applications

4. PKL Boston, Special Alcohol Wine and Malt License for event “PKL Boston.” Location: Park between 325-375 Assembly Row. Dates: June 1, 2021 – October 31, 2021. Times: 8 AM – 11 PM. Food Service included. (NOTE: 30 dates not specified; proof of access to private property not provided.)

A discussion was held on this matter about the process of food, alcohol and entertainment at the last Licensing Commission meeting. Permission from the Private Property owner was requested at that time. This was received and forwarded to the commissioners by the secretary.

Anni Lierhaus appeared for this application. The dates will be from June 1st through October 31st, with food service included between 8am to 11pm. A discussion was held about the operation of this event. This will be a pickleball venue, with shuffleboard courts and a bar. They are partnering with Smoke Shop Barbeque to provide food. Receipt of food purchase will be required before alcohol service. Commissioner Lindgren had some questions about the entertainment by devices. There will be piped in music. Commissioner Lindgren had a note about the entertainment by devices and the special alcohol license being put together from the last meeting. She also asked if there was a time limit for people to stay at the venue. Ms. Lierhaus stated individuals will be able to rent a court for an hour. They have not thought about the time limit for individuals to actually be the venue. Ms. Lierhaus stated the Covid restriction of 90 minute dining currently in place. She suggested that both could be incorporated, 1 hour for play time and 30 minutes for dining.

A brief discussion was held on Entertainment on the Special Alcohol License. Chairman Lynch stated he did not see this on the application. Chairman Lynch stated the Special Alcohol License may need to be amended to include the entertainment by Devices. Commissioner Lindgren noted Dustin martin was at the last meeting. Commissioner Allen asked the specific hours of alcohol service. Ms. Lierhaus stated it would probably be from noon or a little later than that, onwards. Commission Lynch stated he would need an exact time. 11:00am was suggested and accepted, for brunch on Saturday and Sunday. 11am will be the start time for alcohol. Food service would be provided earlier at 8am. Chairman Lynch stated as a reminder, that food must be served at all times when alcohol is served. Ms. Lierhaus stated food will be ordered by a QR code at the bar, (to order food from the Smoke Shop), in order to purchase alcohol from PKL, a receipt will need to be shown from Smoke Shop.

Secretary to the Commission , Lori Batzek, asked to clarify the earlier question about Entertainment by Devices on a Special Alcohol License. Entertainment has not appeared on a separate license in the past and has always been included in a Special Alcohol License. Chairman Lynch stated he would prefer this be included on the license as a condition, because this is a temporary outdoor establishment. The commissioners agreed.

The secretary noted that there were no specific dates on the application, and Chairman Lynch stated a new application will need to be submitted every 30 days. Chairman Lynch stated the way the City of Boston and Cambridge issue these licenses, the same license responsible person cannot be on multiple licenses. The application should come in under PKL Boston, but a different person will be responsible for each license.

The Licensee will be required to submit another application for July, August, September and October. PKL states they will need to amend the start date of June 18th. Chairman Lynch stated he was o.k. with the start date of June 1st and activating the license when they want to. He would prefer to keep the dates at the beginning of the month to the end of the month.

The Commission approved this Special Alcohol License with the following conditions: Hours of alcohol service start at 11am to 11pm, 7 days a week, Food Service is 8am to 11 pm, 7 Days per week, Entertainment by Devices is added and Food Service is required. This application is approved for June 1st, 2021 through June 30th, 2021

5. Night Shift Brewing, Special Alcohol Wine and Malt License for event “Owl’s Nest at Assembly Row by Night Shift Brewing.” Location: Park between 325-375 Assembly Row. Dates: June 1, 2021 – October 31, 2021. Times: 8 AM – 11 PM. Food Service included. (NOTE: 30 dates not specified; proof of access to private property not provided.)

Mr. Matthew Eschelman appeared for this application. The operation of this license is basically the same as previous stated. They will have seated table service where food will be required. They are partnering with Smoke Shop, which is adjacent to this location. This is being held on private property. Chairman Lynch stated Smoke Shop has its’ own liquor license and outdoor seating. He also asked how the areas will be separated and if there will be signs distinguishing the 3 establishments. Mr. Eschelman replied that they would have signage. Chairman Lynch stated the fees associated for a one day license are on the website. The secretary commented on the Entertainment by Performers and stated we have never had separate licenses for Entertainment of any kind, nor has this been advertised, for a Special Alcohol license, she also suggested checking with City Clerk John Long on this matter. Mr. Eschelman stated he definitely wants Entertainment by Devices and differs to state and city regulation regard Covid safety, if this is allowed. He stated if it is allowed, they would like to have it. Chairman Lynch stated entertainment is not on the application. He suggested this be placed on future applications, because we are required to notice the public on entertainment by Performers. He stated we have to advertise it and we have to ask for a public comment. Mr. Eschelman agreed to Entertainment by Devices only for this month and to revisit the issue if it’s something they are still interested in, moving forward.

Mr. Eschelman stated they are targeting the opening for June 1, but this will depend on some of the equipment that has a longer lead time. He stated he would like to keep the June 1st date. He also stated that they file each 30 day period with

different LLC's. He said Boston has done this a couple of different ways over the years. Chairman Lynch would like to discuss this with the City Clerk.

The Licensee will be required to submit another application for July, August, September and October.

The Commission approved this Special Alcohol License with the following conditions: Hours of alcohol service start at 11am to 11pm, 7 days a week, Food Service is 8am to 11 pm, 7 Days per week, Entertainment by Devices is allowed and Food Service is required. This license will commence on June 1st 2021 and end on June 30th, 2021

Entertainment Applications

6.

| | LICENSE # | BUSINESS NAME | ADDRESS | APP. TYPE | CURRENT/NEW | PUBLIC/PRIVATE |
|-----|----------------------|-------------------------------|---------------------|---|--------------------|-----------------------|
| 6a. | ALM21-000015 | Barra.bars, LLC | 23A Bow St. | Entertainment by Devices & Performers - Outdoors on Public & Private Property | New | Both |
| 6b. | ALM21-000022 | Midici | 463 Assembly Row | Entertainment by Devices & Performers - Outdoors on Private Property | New | Private |
| 6c. | ALM21-000027 | Mike's Bar | 97 Washington St. | Entertainment by Devices & Performers - Outdoors on Private Property | New | Private |
| 6d. | ALM21-000032 | Bow Market Entertainment, LLC | 337 Somerville Ave. | Entertainment by Devices & Performers - Outdoors on Private Property | New | Private |
| 6e. | ALM21-000033 | Out of the Blue Restaurant | 215 Elm St. | Entertainment by Devices - Outdoors on Private Property | New | Private |

| | | | | | | |
|-----|--------------|-----------------------------------|-------------------|--|-----|---------|
| 6f. | ALM21-000036 | The Burren | 247 Elm St. | Entertainment by Performers - Outdoors on Private Property | New | Private |
| 6g. | ALM21-000037 | Aeronaut | 14 Tyler St. | Entertainment by Devices (including projections) & Performers (including dance) - Outdoors on Private Property | New | Private |
| 6h. | ALM21-000039 | The Center for Arts at the Armory | 191 Highland Ave. | Entertainment by Performers - Outdoors on Private Property | New | Private |
| 6i. | ALM21-000040 | The Jungle Club | 66 Union Sq. | Entertainment by Devices & Performers with Amplification - Outdoors on Private Property | New | Private |

Temporary Outdoor Seating

7.

| | LICENSE # | BUSINESS NAME | ADDRESS | APP. TYPE | COMPLETE | CURRENT/NEW | PUBLIC/PRIVATE |
|-----|------------------|----------------------|------------------|---|-----------------|--------------------|-----------------------|
| | | | | | | | |
| 7a. | ALM21-000031 | Oat Shop | 22A College Ave. | Outdoor Seating - Parklet with Barriers - Public Property | Yes | New | Public |
| 7b. | ALM21- | Rosebud | 381 Summer | Outdoor Seating - | Yes | New | Private |

| | | | | | | | |
|-----|--------------|-------------------------|----------------|---|-----|--------------------|---------|
| | 000034 | Restaurant, Inc. | St. | Requesting permission to share Painted Burro seating space - Private Property | | | |
| 7c. | ALM21-000035 | Rosebud Restaurant Inc. | 381 Summer St. | Outdoor Seating - Parklet with Decking & Barriers - Public Property | Yes | Current w/new add. | Public |
| 7d. | ALM21-000037 | Aeronaut | 14 Tyler St. | Outdoor Seating - Adding 6 Seats, with alternates for live performances & removing heaters - Private Property | No | Current | Private |
| 7e. | ALM21-000041 | Anna's Taqueris | 236 Elm St. | Outdoor Seating - Parklet - Public Property | No | New | Public |
| 7f. | ALM21-000042 | Posto | 187 Elm St. | Outdoor Seating - Parklet with Wooden Structure, same as Painted Burro - Public Property | Yes | Current w/new add. | Public |

6a. Barra Bars – Paola Ibarra Deschamps - Did not withdraw, this is just an entertainment by Devices only. Will have a sm. Bluetooth speaker. - APPROVED

6b. Midici - Susan Olsen - Entertainment by Performers (singing is not yet approved), only primarily for brunch on Saturday & Sunday, applicant states they were previously approved for Entertainment by Devices - APPROVED

6c. Mike's Bar – No Show – Continued to May 17, 2021 Licensing Commission Meeting

6d. Bow Market Entertainment – Zach Baum – Would like some live music performance in the courtyard in the corner. A table has been removed to accommodate the performers due to Covid restrictions. Mostly acoustic music, but they do plan to have 1 day a week for a D.J. Performers will be using existing sound system. Chairman Lynch suggested they be cognizant of the noise volume in this residential neighborhood. Jessica Eshelman, Union Sq. Main Streets spoke in support of this applicant - APPROVED

6e. Out of the Blue Restaurant – Lidia Liacos – Will use some background, wired speakers for under their tent. Chairman Lynch stated ISD will need to approve this. - APPROVED

6f. The Burren – Tommy McCarthy – Entertainment by Performers only in the back, amplified acoustic music. The sound system is a battery solar mixer. Chairman Lynch suggested they be cognizant of the noise volume in this residential neighborhood. - APPROVED

6g. Aeronaut - Ron Friedlander - A couple of different seating plans were submitted to accommodate the performers, each plan removes 1-2 tables to make space. 1-2 performers with instrumental music, and no wind instruments until allowed. The performers, only, may dance. Projections may be used so people can participate from their seats. If used, the audio would be amplified. Chairman Lynch asked if they have outdoor lighting. Mr. Friedlander stated they did, and doesn't feel the lights would be dimmed during the projection due to the location, in a dark corner. Carolicious serves food. Jessica Eshelman, Union Sq. Main Streets spoke in support of this applicant. Chairman Lynch asked how they will crowd control. Mr. Friedlander stated they have a reservation system and walk ups can use the pre-reservation, but seating needs to be assigned, to a table to get in. Servers ensure food purchase at the time the drink order is fulfilled, and they cross check with Carolicious. Chairman Lynch suggested they be cognizant of the noise volume in this residential neighborhood. - APPROVED

6h. The Center for Arts at the Armory – Stephanie Scherph – Same area for Entertainment as the outdoor seating. Would like to potentially book strings players, classical music, acoustic guitar and possibly dance. She may wait for Covid restrictions to be further relaxed. For performers who need amplification, they could use a small pa portable system or Bluetooth. It would depend on the performer and what is needed. Chairman Lynch suggested they be cognizant of the noise volume in this residential neighborhood. – Ms. Scherph asked if she could include Entertainment by Devices with this or does she need to reapply. Chairman Lynch stated he believed they have already been approved for Entertainment by Devices, and requested the secretary to confirm this. The secretary was researching this. Chairman Lynch stated to Amend the application for Entertainment by Devices. - APPROVED

6i. The Jungle Club - Sam Epstein – Entertainment by Devices and Performers, by local musicians, 4 days a week basically repeating everything they did last year but now having live performers. They are expanding the area to include the performers, so no seating

will be affected. They will use the existing power to plug into for portable amplification for instruments and when allowed, singers. Recorded music will be using Bluetooth. Chairman Lynch stated that although this is primarily a commercial district, he suggested they be cognizant of the noise volume, due to the residents on the other side of Stone Park. Mr. Epstein asked if performers who are too loud in the proximity of neighboring restaurants, especially at night, could appear earlier at 11am. Chairman Lynch stated his hours are governed by his CV and Alcohol license. Mr. Epstein stated they currently open at 5pm. If he is adjusting his hours of operation, an amendment would be needed for this. Jessica Eshelman, Union Sq. Main Streets spoke in support of this applicant - APPROVED

7a. Oat Shop – Mr. Alan Donovan – Would like to put 2 tables with barriers on the sidewalk. - APPROVED

7b. Rosebud Restaurant, Inc. – No Show. They would like to share Painted Burro space. Chairman Lynch recalls this space was solely approved for Painted Burro last year. Justin Schreiber stated he believes the Rosebud will use this space when Painted Burro is not open and using this space. Justin confirmed the Chairman's statement, this space was not shared last year. Chairman Lynch expressed concerns about service to and from all the establishments. He also stated it appears staff will need to cut through Out of the Blue from the Rosebud for service. Justin looked up this information in the computer. The floor plan was pulled up for review. Chairman Lynch wants to ensure there are no conflicts with staff and the serving of alcohol and the accouterments involved. Chairman Lynch asked Justin to do a site visit to help answer these questions. Steve Liacos had comments on the rosebud application and the space in the back. He stated the Rosebud was not part of this parking lot and their parking lot access is to accept deliveries. Lidia Liacos stated the Rosebud used the Painted Burro space last year, but Out of the Blue Restaurant was not open for lunch at that time, they will be this year. An agreement was made between Out of the Blue to allow the Rosebud to go through their area to bring food to the Painted Burro seating area. That can't be done this year, because Out of the Blue will be open for Brunch. Other issues were also brought up, such as cutting through and coming through with garbage. Chairman Lynch stated he was concerned about Health and Safety. Mr. Liacos and Ms. Liacos had additional comments about Rosebud having no right to access this parking lot, except for deliveries. He feels the owner is bullying him. Chairman Lynch requesting Justin Schrieber to bring an inspector to this premises and to report back to the commission – Continued until 5/17/21 Licensing Commission Meeting

7c. Rosebud Restaurant, Inc. - No Show. Justin Schreiber stated they are raising the seating similar to Out of the Blue to make a kind of deck. Justin stated he feels this is all set. Justin also confirmed the Fire Hydrant won't be blocked, there will be a removable chain, and Capt. Sullivan confirmed this. - APPROVED

7d. Aeronaut - Mr. Friedlander – Heaters are being removed to accommodate live performances. Cortney Kirk approves this under conditional approval. She state the layouts are Covid compliant, with social distancing and also proper distancing between the tables and entertainment. This is a revised seating plan. - APPROVED

7e. Anna's Taqueria – Justin Schrieber is o.k. with this application - APPROVED

7f. Posto - No Show – Justin Schrieber stated this structure is almost identical to Painted Burro with identical documents and identical application submitted. - CONDITIONAL APPROVAL TO BE REVIEWED BY JUSTIN SCHRIEBER